

CITY COUNCIL AGENDA

MARCH 20, 2007

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
(no earlier than 3:30 p.m.) [See RDA Agenda](#)
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 3)**
- **Pledge of Allegiance**
 - Led by Meadows Elementary Third Grade Class of Jeanette Kaliska, Franklin McKinley School District
- **Orders of the Day**
 - Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
 - * **ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**
 - Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.
- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1* Presentation of a commendation to the National Hispanic University Debate Team for their victory in the California Regional Intercollegiate Ethics Bowl on December 2, 2006, advancing the team to represent California in the National Ethics Bowl Championship. (Mayor/Campos/Cortese)
(Rules in-Lieu referral 2/21/07)
(Deferred from 3/6/07 – Item 1.7)
- 1.2 Presentation of a commendation to the Police Department’s Mobile Emergency Response Group and Equipment (MERGE) and Canine Unit for their exemplary dedication and valuable contributions to the City organization. (City Manager’s Office/Mayor)
- * **TO BE HEARD IN THE EVENING**
- 1.3 Presentation of a commendation to the Urban Area Security Initiative Team for their exemplary dedication and valuable contributions to the City organization. (City Manager’s Office/Mayor)
- 1.4 [Presentation of a commendation recognizing the successful achievement of the Business Tax Amnesty Team.](#) (Finance)
- 1.5 Presentation of a commendation to Joseph Golda for inspiring, through tremendous action, neighborhood volunteerism at its finest. (Liccardo)
(Rules Committee referral 3/7/07)
- 1.6 Presentation of a commendation to the Independence High School ASB Cabinet for their hard work and dedication in putting on the “Open Your Hearts” event, which raised over \$4,000 for charity. (Mayor)
(Rules Committee referral 3/7/07)
TO BE HEARD IN THE EVENING
- 1.7 Presentation of a commendation to Ed Overton for his many years of exceptional service in Retirement Services. (Retirement Services/City Manager’s Office)
- 1.8 [Presentation of a commendation to Westgate Church and Community Partners for their collaboration with the City of San José in serving the San José residents during the Beautiful Day event, which demonstrated outstanding volunteerism, compassion and love of community.](#) (Mayor)
TO BE HEARD IN THE EVENING
- * (Rules Committee referral 3/14/07)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes:

- (a) Current Minutes
- (b) Past Minutes
 - (1) Regular Minutes of September 12, 2006
 - (2) Regular Minutes of September 19, 2006
 - (3) Regular Minutes of September 26, 2006
 - (4) Joint City Council/Santa Clara Valley Water District Minutes of September 27, 2006

* (Deferred from 3/6/07 – Item 2.1 and 3/13/07 – Item 2.1)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27988 – Rezoning certain real property situated at the southeast corner of Almaden Expressway and Almaden Road (18951 Almaden Road) to A(PD) Planned Development Zoning District. PDC05-109
- (b) ORD. NO. 27989 – Rezoning certain real property situated in the R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow 19 new single-family attached residential units and one exiting single-family residence on a 1.83 gross acre site located at the terminus of Duckett Way, approximately 420 feet east of South De Anza Boulevard (1566 Duckett Way). PDC06-062

- * (c) ORD. NO. 27991 – Rezoning certain real property situated on the east side of North 4th Street, approximately 600 feet northerly of Gish Road (1470 North 4th Street), to A(PD) Planned Development Zoning District. PDC06-022

2.3 Approval of an agreement for consulting services for the Integrated Development Tracking System.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with CSDC System, Incorporated for technical consulting services for the Integrated Development Tracking System programming in the amount of \$159,000 for the term March 1, 2007 to March 31, 2008. CEQA: Not a Project.

(Planning, Building and Code Enforcement)

(Deferred from 2/27/07 – Item 2.18)

RECOMMEND DEFERRAL TO 3/27/07 PER ADMINISTRATION

2. CONSENT CALENDAR

2.4 [Approval to amend the Small Concession Agreement at the Airport.](#)

Recommendation: Approval of a third amendment to the Small Concession Agreement between the City of San José and American Airlines Employees Federal Credit Union for the installation, operation and maintenance of Automated Teller Machines in Terminals A and C at the Norman Y. Mineta San José International Airport to extend the term from March 31, 2007 to December 31, 2007, with annual revenue to the City of approximately \$15,600, subject to earlier termination as provided in the Agreement. CEQA: Resolution Nos. 67380 and 71451, PP 07-002. (Airport)

2.5 [Acceptance of the Office of the City Auditor's Report.](#)

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period January 16, 2007 through February 15, 2007*. (City Auditor)
(Rules Committee referral 3/7/07)

2.6 [Request for an excused absence for Councilmember Constant.](#)

Recommendation: Request for an excused absence for Councilmember Constant from the Executive Session Meeting on Tuesday, March 13, 2007 due to authorized City business: CALAPRS Conference in Monterey, CA. (Constant)
(Rules Committee referral 3/7/07)

2.7 [Approval to purchase Unifier Construction and Cost Management Software for the Airport.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of Finance to:
- (a) Execute an agreement with Skire, Inc. in the amount of \$307,500 for Unifier construction and cost management software including fifty user licenses, training, installation and configuration services, one year of maintenance and support, and applicable sales tax.
 - (b) Execute change orders for maintenance and support for four additional one-year periods subject to the appropriation of funds.
- CEQA: Not a Project. Council District 4. (Finance)

2. CONSENT CALENDAR

2.8 [Approval to submit a grant application for the Emergency Auto Repair Assistance Program.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of Housing to:
- (a) Request, and if awarded, accept Metropolitan Transportation Commission (MTC) grant funds available in its Lifeline Transportation Program in the amount of \$75,000 for the emergency Auto Repair Assistance Program (ARAP) for homeless persons or persons at risk of homelessness, which is being recommended for funding by the County of Santa Clara and the Santa Clara Valley Transportation Authority (VTA) – Joint Lifeline Transportation Committee (JLTC); and
 - (b) Negotiate and execute the grant agreements and any amendments or other documents necessary to implement the program.
- CEQA: Not a Project. (Housing)

2.9 Request for excused absences for Mayor Reed.

Recommendation: Request for excused absences for Mayor Reed:

- (a) [Excused absence from the Regular Meeting of the Rules and Open Government Committee on February 14, 2007 due to authorized City business: Travel to Washington D.C. to meet with our State and Federal legislative leaders.](#)
 - (b) [Excused absence from the Regular Meeting of the Rules and Open Government Committee on February 28, 2007 due to authorized City business: Testifying in front of the California Transportation Commission in Irvine, CA.](#)
 - (c) [Excused absence from the Evening Session of the Regular City Council Meeting of March 6, 2007 due to illness.](#)
- (Mayor)
(Rules Committee referral 3/7/07)

2.10 [Approval of Mayor Reed's Travel to Irvine, CA.](#)

Recommendation: Approval of Mayor Reed's travel to Irvine, CA on February 28, 2007 to testify in front of the California Transportation Commission to support funding for our public transportation system and traffic congestion relief. Source of Funds: Mayor's Office. (Mayor)
(Rules Committee referral 3/7/07)

2.11 [Approval of actions related to the Police and Fire Department Retirement Plan.](#)

Recommendation: Approval of [an ordinance](#) amending Section 3.36.1555 of Chapter 3.36 of Title 3 of the San Jose Municipal Code to require Police members of the Police & Fire Department Retirement Plan to make contributions for a portion of the Unfunded Actuarially Accrued Liability (UAAL) resulting from the delay in the implementation of the Police members' contribution rates. CEQA: Not a Project. (Police and Fire Retirement Board)

2. CONSENT CALENDAR

2.12 [Approval of an agreement for the construction of a sanitary sewer main on Story Road.](#)

Recommendation: Adoption of a resolution authorizing the Director of Public Works to negotiate and execute a Construction Agreement with TWN Investment Group, LLC (“Applicant”) for the construction of a sanitary sewer main on Story Road with a reimbursement to the Applicant in an amount not to exceed \$195,000 for additional capacity. CEQA: Mitigated Negative Declaration, File No. PDC04-045. Council District 7. (Public Works)

2.13 [Approval of a donation agreement for conveyance of a storm drain lateral permanent easement.](#)

Recommendation: Adoption of a resolution approving a donation agreement with PS Business Parks, L.P., a California Limited Partnership, for conveyance of a storm drain lateral permanent easement and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, File No. PP05-104. Council District 4. (Public Works)

2.14 [Approval to amend an agreement to extend the term of a lease for city-owned property.](#)

Recommendation: Approval of a first amendment to a lease agreement with Pacific Bell Telephone Company, extending the term of the lease of City-owned property at 5285 Doyle Road by 60 months with an annual rent of \$45,600 for the first year with 4% annual increases in each of the four remaining years with options to extend for two additional five-year terms. CEQA: Not a Project. (Public Works)

2.15 **Approval of an ordinance designating a public way over a portion of Selma Olinder Park.**

[Supplemental](#)

- * **Recommendation:** Approval of an ordinance establishing a 104-foot-long by 27-foot-wide piece of City-owned property on the southern portion of Selma Olinder Park to establish a public way between the future Five Wounds Trail to the Coyote Creek Trail. CEQA: Negative Declaration, File No. PP07-013. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services, Public Works)
(Deferred from 2/27/07 – Item 2.17 and 3/13/07 – Item 2.3)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Reed, Chair

Recommendation: Approval of City Council Study Session Minutes:

- (a) Recycle Plus Program and Procurement Process of August 11, 2006
- (b) The Coyote Valley Specific Plan, Introduction to Form-Based Zoning of August 25, 2006

* (Deferred from 3/6/07 – Item 3.1 and 3/13/07 – Item 3.1)

3.2 Report of the Rules and Open Government Committee – [February 14, 2007](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to February 20, 2007 Agenda
None- Meeting Cancelled
 - (2) Review February 27, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approve the Proposed FY 2007-2008 Agency Budget Calendar. (RDA)
 - (2) Approve the revised Study Session schedule from February through May 2007. (Manager's Office)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Appointments to the Project Diversity Screening Committee. (Vice Mayor Cortese/Councilmember Constant/Councilmember Chirco)
Deferred from February 7, 2007
 - (2) Appointment to the Arts Commission. (Councilmember Williams)
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Referral of Audit of Resources for Families and Communities. (City Auditor)
 - (2) Proposal to Convert Agnews Development Center to a State Prison. (Mayor Reed)
Heard by Council 2/27/07 – Item 4.6

- *
 - (3) Royal Coach Tours Noise Complaint. (Planning, Building and Code Enforcement)
 - (4) Addition of an Audit of the Camera Pavilion Management Corporation to the City Auditor's 2006-2007 work plan. (RDA)
 - (5) City Process on Responding to No-Match Letters from the Social Security Administration regarding discrepancies in employee Social Security numbers. (City Manager)
 - (6) Public Funded Campaigns (Voter-Owned Campaigns). (Elections Commission)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – February 14, 2007 (Cont'd.)

- (h) Public Records Act Requests
 - (1) Review of Significant Public Records Act Requests
 - (2) Receive Public Concerns
 - (i) Review of Council Policy Updates per Sunshine Reforms
 - (j) Open Forum
 - (k) Adjournment
- (Deferred from 3/6/07 – Item 3.2)

3.2 Report of the Rules and Open Government Committee – February 28, 2007 Mayor Reed, Chair

- (a) City Council
 - (1) Review March 6, 2007 Final Agenda
 - (2) Review March 13, 2007 Draft Agenda
 - (a) Review of items that meet exception rule
 - (1) Resolution Supporting Public Safety and Immigrant Rights.
(Cortese/Campos/Liccardo/Nguyen)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) City's Legislative Process and Suggested Methods for Taking Timely Action on Pending Issues. (Manager's Office)
Continued from February 7, 2007
 - (b)
 - (2) Federal
- (d) Meeting Schedules
 - (1) Setting a hearing for Spring 2007 for General Plan Amendments and Initiating the Reestablishment of a Fall Annual Review of the General Plan. (PBCE)
Continued from February 7, 2007
Recommend Deferral to March 14, 2007
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Project Diversity Screening Committee Nomination. (Cortese/Constant/Liccardo)
Deferred from February 7, 2007
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Council Committee Procedures. (Mayor)
 - (2) United States Conference of Mayors January 24-26, 2007 Trip Report. (Williams)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – February 28, 2007 (Cont'd.)

- (g) (3) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee. (City Manager/City Attorney)

Continued from January 24, 2007

- (4) Public Safety, Finance and Strategic Support Committee. (Manager's Office)
- (5) Disclosure of Ownership of Property Located within a Redevelopment Area. (Redevelopment Agency)
- (6) Council Expenditures and Reimbursements. (City Clerk/City Attorney)

Continued from January 31, 2007

Recommend Deferral to March 7, 2007

- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair

3.4 Elections Commission Interviews.

- * **Recommendation:** Interview five (5) Elections Commission applicants and appoint one to serve an unexpired term ending March 1, 2009. (City Clerk)
(Rules Committee referral 3/7/07)

TO BE HEARD NO EARLIER THAN 4:00 P.M.

3.5 Certification of Election Results and Oath of Office – District 6 Councilmember-Elect.

Recommendation:

- (a) Adoption of a resolution declaring the results of the March 6, 2007 Municipal Run-off Election for Council District 6, pursuant to Elections Code Section 15400.
- (b) Administration of the Oath of Office to Councilmember-Elect Pierluigi Oliverio to serve the unexpired term in District 6, ending December 31, 2008.
(City Clerk)

TO BE HEARD FIRST

- * (Rules Committee referral 3/14/07)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair

4.2 [Approval of a construction loan for the West San Carlos Affordable Housing Project.](#)

- * **Recommendation:** Adoption of a resolution approving a construction loan of up to \$4,766,000 for the West San Carlos Affordable Housing Project located at 1523 West San Carlos Street with \$1,600,000 of this amount set aside to fund second mortgages for 16 moderate-income buyers. CEQA: Mitigated Negative Declaration, File No. PDC02-102. Council District 6. SNI: Burbank/Del Monte. (Housing)

4.3 [Approval of actions for development of the North Fourth Street Apartments Affordable Housing Project.](#)

Recommendation: Adoption of a resolution approving a funding commitment of up to \$9,875,000 to First Community Housing, or its designed affiliate, of which \$1,095,000 will finance property acquisition, for the development of the 100-unit North Fourth Street Apartments affordable family housing project located at 1470 North 4th Street to be made available to extremely low-, very low-, and low-income households. CEQA: Resolution No. 72768, File No. PDC06-022. Council District 3. (Housing)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [March 8, 2007](#) Councilmember Chirco, Chair

- (a) Report on Committee Vision and Mission.
- (b) Review of CSA Workload/CAPS. (CMO/Neighborhood Services CSA)
- (c) School/City Collaborative Monthly Update. (CMO/Neighborhood Services CSA)
 - (1) Review of the recommendations of the Transition Subcommittee on Education.
- (d) Report on New Mobile Home Park Infrastructure. (Housing)
 - (1) Performance measures used to monitor success.
- (e) Report on LISC Working Group Study on Housing Needs. (Housing)
- (f) Strong Neighborhoods Monthly Update. (CMO)
- (g) Monthly Updates on City Council Directives.
- (h) Library Cultural Cross Roads Grant Activities. (Library)
Request deferral to April
- (i) Oral Petitions.
- (j) Adjournment.

5. NEIGHBORHOOD SERVICES

5.2 Approval of an agreement with the San José Unified School District related to sports fields at Leland High School.

Supplemental

* **Recommendation:**

- (a) Approval of an agreement with the San José Unified School District in the amount of \$2,150,000 for the design, construction and joint use of artificial turf fields and support amenities (restrooms, storage and concession area) at Leland High School.
 - (b) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 10 (Fund 389):
 - (1) Increase the Youth Sports Field project by \$479,000; and
 - (2) Decrease the Ending Fund Balance by \$479,000
 - (c) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375)
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$350,000 for the Youth Sports Fields (District 10) project; and
 - (2) Decrease the Reserve: Future PDO/PIFO Projects by \$350,000.
- CEQA: Exempt. (Parks, Recreation and Neighborhood Services/City Manager's Office)

5.3 Approval of actions related to the Mayfair Community Center Project.

Recommendation:

- (a) Approval of the first amendment to the agreement with Field Paoli, Inc. for consultant services for the Mayfair Community Center Project, increasing the amount of compensation by \$150,000 for a total amount not to exceed \$1,565,155 and increasing the total project budget by \$1,500,000 to include park related improvements such as irrigation, tot lot renovation, and a skatepark.
- (b) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Park Purposes Council District #5 (Fund 382):
 - (1) Establish an appropriation in the amount of \$1,478,000 to the Parks, Recreation and Neighborhood Services Department for the Mayfair Community Center-Satellite project;
 - (2) Decrease the Reserve: Mayfair Park Improvements by \$750,000; and
 - (3) Decrease the Ending Fund Balance by \$728,000.
- (c) Adoption of the following Appropriation Ordinance amendments in the Park Trust Fund (Fund 375):
 - (1) Establish an appropriation in the amount of \$2,546,000 to the Parks, Recreation and Neighborhood Services Department for the Mayfair Community Center-Satellite project;
 - (2) Decrease the Reserve: East San José Park/Facility Development by \$539,000;

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.3 Approval of actions related to the Mayfair Community Center Project. (Cont'd.)

Recommendation:

- (c) (3) Decrease the Reserve: Jackson/Madden Park Improvements by \$23,000;
- (4) Decrease the Reserve: Future PDO/PIFO Projects by \$210,000;
- (5) Decrease the Reserve: Mayfair Tot Lot by \$12,000; and
- (6) Decrease the Mayfair Center Pools by \$1,762,000.

CEQA: Mitigated Negative Declaration, File No. PP06-024. Council District 5. SNI: Mayfair. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [March 5, 2007](#) Councilmember Williams, Chair

- (a) Discussion on Water Pollution Control Plant, Infrastructure Condition Master Plan Efforts, and Preliminary Capital Funding Issues. (ESD)

Deferred from February 22, 2007

SEE ITEM 7.1 FOR COUNCIL ACTION TO BE TAKEN

- (b) Update on State and Federal Transportation Funding and Rewards Program. (DOT)
- (c) Report on the City's Environmental "Cool Communities" Program. (ESD)
SEE ITEM 7.2 FOR COUNCIL ACTION TO BE TAKEN
- (d) Review of Environmentally Preferable Procurement Annual Report and Policy Recommendations. (Finance/ESD)
SEE ITEM 7.3 FOR COUNCIL ACTION TO BE TAKEN
- (e) Discussion on Walking Distance Standards for Parks. (PRNS)
- (f) Review of Sustainable Energy Action Plan and Solar Pilot Projects. (ESD/GS)
- (g) Oral Update on Key Aspects of Recycle Plus Transition. (ESD)

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SEE ITEM 7.4 FOR COUNCIL ACTION TO BE TAKEN

- (h) Review of UN Environmental Accords Strategic Plan and Progress Towards Goals Attainment. (ESD)

Recommend Deferral to April 2, 2007

- (i) Oral Petitions.
- (j) Adjournment.

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Approval of an agreement for Program Management Consultant Services at the Airport.](#)

Recommendation:

- (a) Approval of a Master Services Agreement with Carter & Burgess, Inc. for Program Management Consultant Services at Norman Y. Mineta San José International Airport, from February 27, 2007 to December 31, 2010, in an initial amount not to exceed \$7,500,000.
- (b) Adoption of a Resolution authorizing the City Manager to execute up to two, two year options to extend the term at no increase in total compensation.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-017. (Airport)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Approval of actions related to the Sewer Collection and Treatment System.](#)

[Supplemental 1](#)

[Supplemental 2](#)

* **Recommendation:**

- (a) Acceptance of staff's report analyzing the infrastructure, planning and financing needs of the City's sewer collection and treatment system; and,
- (b) Provide direction to staff to proceed with the development of a Master Plan for the Water Pollution Control Plant (Plant) and development of a funding strategy to implement critical capital needs, including consideration of financing options for both short term critical projects and longer term Master Plan projects.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee 3/5/07 - Item 6.1(a)]

RECOMMEND DEFERRAL TO 3/27/07 PER ADMINISTRATION

7.2 [Approval of actions related to the City's Environmental "Cool Communities" Program.](#)

* **Recommendation:**

- (a) Acceptance of the staff report on Cool Communities and Cool Cities.
- (b) Adoption of a resolution endorsing the U.S. Conference of Mayor's Climate Protection Agreement.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee 3/5/07 - Item 6.1(c)]

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval of actions related to the Environmentally Preferable Procurement.

Supplemental

Recommendation:

- (a) Acceptance of the 2006 Environmentally Preferable Procurement Annual Report.
- (b) Adoption of a resolution approving revisions to Council Policy 4-6 Environmentally Preferable Procurement.

CEQA: Not a Project. (Environmental Services/Finance)

[Transportation and Environment Committee 3/5/07 – Item 6.1(d)]

7.4 Acceptance of verbal update on California Waste Solutions' Facility Planning.

Presentation

Recommendation:

- (a) Acceptance of verbal update on California Waste Solutions' facility planning and permitting progress.
- (b) Direction to staff to assist CWS in securing a temporary corporation yard site as a contingency in the event that California Waste Solutions is not able to complete permitting, facility construction or needed mitigations in time for the July 2, 2007 startup of Recycle Plus Services.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee 3/5/07 - Item 6.1(G)]

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 Public hearing and approval of the FY 2007-2008 Mayor's March Budget Message.

Presentation

Recommendation: Public hearing and approval of the FY 2007 – 2008 Mayor's March Budget Message. (Mayor)

* (Rules Committee referral 3/14/07)

- Notice of City Engineer's Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9895	South side of Paula Street, 160 feet east of Meridian Way	6	Paula Villa, LLC	16 Lots / 15 Units	SFA	Approve

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9900	East side of Park Avenue, 100 feet north of Emory Street	6	Mary Frye	1 Lot / 2 Units	Single Family Attached
9913	Southwest Corner of Flanigan Drive and Fontaine Road	7	H&L Investments, LLC	1 Lot / 16 Units	Apartment Conversion to Condos

- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting ([See 3-20-07 RDA Agenda](#))
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property located on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanos Way from IP – Industrial Park Zoning District to A\(PD\) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses \(RBR Silver Creek\). CEQA: Resolution No. 70021. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval \(7-0-0\). PDC06-095 – District 2](#)
- (b) Consideration of an ordinance rezoning the real property located on the south side of William Street, approximately 350 feet westerly of South 24th Street from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site (1090 East William Street)(22nd & William Street, Owner). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.
PDC06-040 – District 3
RECOMMEND CONTINUANCE TO 4/3/07 PER ADMINISTRATION
- (c) [Consideration of an ordinance rezoning the real property located on the northwest corner of South Sunset Avenue and Shortridge Avenue from R-1-8 Single Family Residence District to CG Commercial General Zoning District on a 0.13 gross acre site \(25 S Sunset Ave\)\(Alum Rock Corners, LLC; Quat Tran, Owner\). SNI: Mayfair. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C07-013 – District 5](#)

(Item continued on the next page)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Recommendation:

- (d) [Consideration of a director initiated rezoning ordinance rezoning the real property](#) located on the northeast corner of Elm Street and McKendrie Street from A(PD) Planned Development Zoning District to R-1-8 Single-Family Residence District to allow one single family residence on a 0.23 gross acre site (960 Elm Street) (Gregory Brenton J and Moore Jennifer A, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C07-016 – District 6

- (e) [Consideration of an ordinance rezoning the real property located on the east side](#) of Meridian Avenue approximately 200 feet northerly of Foxworthy Avenue from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.46 gross acre site (2988 Meridian Avenue)(Vali Giovanni and Melania Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C07-011 – District 9

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 ADMINISTRATIVE HEARING on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment.

Supplemental

Recommendation: ADMINISTRATIVE HEARING on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment for a timely renewal with reduced operating hours of an existing drinking and entertainment establishment, on a 0.64 gross acre site in the LI Light Industrial Zoning District, located on the west side of Oakland Road approximately 430 feet south of Horning Street. SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the decision of the Planning Commission to conditionally approve the renewal of a Conditional Use Permit Amendment.
CPA00-051-01 – District 3

11.3 ADMINISTRATIVE HEARING on consideration of an appeal of the Planning commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity.

Supplemental

- * **Recommendation: ADMINISTRATIVE HEARING** on consideration of an appeal of the Planning commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages and a new sign at an exiting retail store (Taylor Street Market) on a 9.02 gross acre site, in the A(PD) Planned Development Zoning District, located at/on the southwest corner of East Taylor and North Ninth Streets (350 E Taylor St) (The Esplanade, Owner). CEQA: Exempt. Planning Commission denied; Director of Planning, Building and Code Enforcement and Planning Commission recommend City Council approval with finding of overriding public benefit.
PD06-015/ABC06-014 – District 3
(Continued from 12/5/06 – Item 11.5)

11.4 ADMINISTRATIVE HEARING on consideration of an appeal of the Planning commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.

Supplemental

- * **Recommendation: ADMINISTRATIVE HEARING** on consideration of an appeal of the Planning commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store on a 2.22 gross acre site, in the CP Pedestrian Commercial Zoning District, located on the east side of South White Road, approximately 250 feet south of Quimby Road (2812 South White Road)(Tj Kwan Family Associates LP, Owner). CEQA: Exempt. Planning Commission denied; Director of Planning, Building and Code Enforcement and Planning Commission recommend City Council approval with finding of overriding public benefit.
CP06-038/ABC06-015 – District 8

11. PUBLIC HEARINGS

11.5 Rezoning the real property located on the west side of the Union Pacific right-of-way.

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the west side of the Union Pacific right-of-way 1040 ft due west of the center of the intersection of Lundy Ave and Berryessa Rd from A Agriculture Zoning District to LI Light Industrial Zoning District to conform to the existing LI Light Industrial Zoning District associated with the rest of the site (1655 Berryessa Rd)(Robert Facchino, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval.
C07-014 – District 4

11.6 Rezoning the real property located at the southeasterly terminus of Miracle Mountain Drive.

- * **Recommendation:** Consideration of an ordinance rezoning the real property located at the southeasterly terminus of Miracle Mountain Drive from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow one single-family detached residence on an 8.3 gross acre site (Sanfilippo Trust Estate, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0) with a condition to plant tall trees and other landscaping to screen future home from view, and also recommend that City Council support the purchase of the adjoining Sanchez property by the Open Space Authority.
PDC04-014 – District 10

- Open Forum
- Adjournment